

## MEMORANDUM

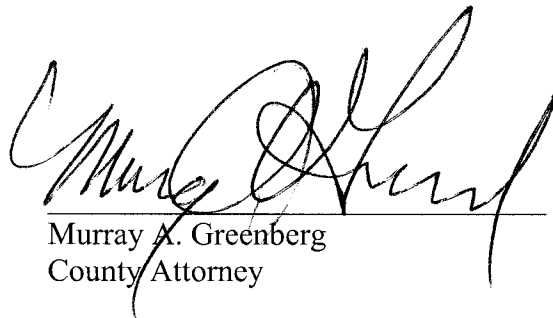
Agenda Item No. 7(A)

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<b>TO:</b>	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	(Second Reading 12-6-05) <b>DATE:</b> September 8, 2005
<b>FROM:</b>	Murray A. Greenberg County Attorney	<b>SUBJECT:</b> Ordinance changing the boundaries of the City of Sweetwater, Florida

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The accompanying ordinance was placed on the agenda by the Infrastructure and Land Use Committee.



Murray A. Greenberg  
County Attorney

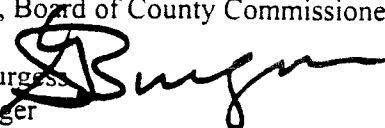
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# Memorandum



**Date:** December 6, 2005  
Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**To:**

**From:** George M. Burgess  
County Manager 

**Subject:** Ordinance changing the boundaries of the City of Sweetwater

This ordinance changing the boundaries of the City of Sweetwater will have a fiscal impact on Miami-Dade County.

Based on a financial analysis conducted by County staff, it is estimated that the proposed annexation will result in the loss of approximately \$2.743 million in Unincorporated Municipal Service Area (UMSA) revenues and a reduction of approximately \$3.144 million in UMSA expenses, for a net gain to the County of approximately \$401,000. Therefore, the proposed annexation is considered revenue neutral and it will not have a negative impact on the remaining unincorporated area. The financial analysis assesses that the County will retain approximately \$387,000 in franchise fees and \$743,000 in utility taxes (as required by the Code of Miami-Dade County). The future growth of the largely undeveloped commercial, business, industrial area will require additional mitigation to be negotiated and included in the interlocal agreement. The City of Sweetwater will also pay to the County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$88,800 per year for approximately 25 years.

The County estimates that a special election within the proposed annexation boundaries may take place in January 2006. Since this annexation was initiated in response to a Board of County Commission action taken in December 2, 1997 directing staff to proceed with a County initiated boundary change to the City of Sweetwater, the cost of the election will be funded by the UMSA general fund. The estimated cost for an election within the proposed annexation area is \$6,200 for a mail ballot election or \$23,000 for a precinct election.

  
Assistant County Manager

fiscal08605



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** December 6, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
12-6-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SWEETWATER, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The municipal boundaries of the City of Sweetwater are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Sweetwater of the following property:

**Annexation by the City of Sweetwater**

**Legal Description**

All of Section 31, Township 53 South, Range 40 East, and all of Excess Government Lot 6 between Townships 53 and 54 South, Range 40 East, and the North 1/2 of Section 6 Township 54 South, Range 40 East, in Miami-Dade County, Florida, LESS the West 1/2 of Tracts 1 through 8 inclusive in Block 24, and LESS the East 1/2 of Tracts 7 and 8 in Block 25 of SWEETWATER GROVES according to the plat thereof recorded in Plat Book 8 at Page 50 of the Public Records of Miami-Dade County, Florida, as previously incorporated and approved on March 11, 1986

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encompassing an area described by Resolutions No. 3114 and 3120, passed and adopted by the Commission of the City of Sweetwater, which resolutions are attached hereto as Attachment A and made a part hereof by reference. A map depicting the annexed area is attached hereto as Attachment B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Attachment B, the boundaries of the annexation area as described by the legal description shall prevail.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County, this Ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in

substantially the form approved by Resolution No. R-1198-95.

Section 4. This Ordinance shall be effective only if the City of Sweetwater executes a duly authorized interlocal agreement acceptable to the County wherein it agrees, among other things, to: (a) an annual mitigation payment to the County's Municipal Services Trust Fund based on the future growth of a portion of the annexed area as shown in Attachment B, which is contained within the areas identified by County Commission as Commercial, Business, Industrial (CBI) areas, pursuant to Miami-Dade County Ordinance No. 05-73, and (b) pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$88,800 per year for approximately 25 years until FY 28-29 or as provided in the interlocal agreement.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. The provisions of this Ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 7. This ordinance shall become effective: (a) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board and (b) only if approved by a majority vote of the electors voting in an election to be called by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Cynthia Johnson-Stacks/ Craig H. Collier

Sponsored by Infrastructure and Land Use Committee

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RESOLUTION NO. 3114

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER SUPERSEDING RESOLUTION NO. 3008, AND EXPRESSING A CONTINUED INTEREST TO PROCEED WITH PLANS FOR ANNEXATION OF ADJACENT UNINCORPORATED AREAS TO THE NORTH OF THE CITY OF SWEETWATER AND AUTHORIZING THE PREPARATION OF ALL NECESSARY DOCUMENTS AND REPRESENTATION BEFORE MIAMI-DADE COUNTY COMMISSION; PROVIDING FOR EFFECTIVE DATE

WHEREAS, the City of Sweetwater is an incorporated municipality contained within the County of Miami-Dade; and,

WHEREAS, the City of Sweetwater has very few commercial and industrial areas, thereby creating an inordinate tax burden to finance services for the citizens of Sweetwater; and,

WHEREAS, the City of Sweetwater's population is composed mainly of middle and lower income hard working families, who cannot afford to fully shoulder the burden of taxes for improvement services and infrastructure; and,

WHEREAS, adjacent residential communities to the North of the City of Sweetwater would benefit by becoming part of this municipality, thereby improving their police response time and other services, and

WHEREAS, areas to the North of Sweetwater are currently designated as industrial and could assist in providing a balanced tax base necessary for improvement of service to the citizens of Sweetwater; and,

WHEREAS, since 1996, the City has unanimously passed seven (7) Resolutions in support and in furtherance of continued efforts to annex certain areas to the North of the City of Sweetwater; and,

WHEREAS, the new Mayor of the City of Sweetwater and the City's Special Counsel met with the County Commissioner that represents the City and others from Miami-Dade County to continue working through the procedural issues involved in the Annexation process; and

WHEREAS, in continued consultation with Miami-Dade County, the proposed boundary descriptions and Sub-Area Map have been modified and are now properly described in Attachment 1; and



WHEREAS, as required by Section 20-3, Sub-Section (E) of the Code of Miami-Dade County, the Mayor and Commission of the City of Sweetwater hereby express their continued support the City's continued efforts to annex certain areas described in Attachment 1 to the North of the City of Sweetwater:

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA as follows:

SECTION 1. That the Mayor and Commission of the City of Sweetwater supports, approves, and endorses Miami-Dade County's filing of the City's plans for annexation of adjacent unincorporated lands to the North of the City of Sweetwater, as identified in Attachment 1 of this Resolution:

PASSED AND ADOPTED this 20<sup>th</sup> day of September, 2004.

  
MANUEL L. MARONO, MAYOR

  
COMMISSION PRESIDENT

ATTEST:

  
MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
RAMON IRIZARRI, CITY ATTORNEY

VOTE UPON ADOPTION:

ARIEL J. ABELAIRAS, COMMISSIONER  
PRISCA BARRETO, COMMISSIONER  
JOSE BERGOUIGNAN, JR. COMMISSIONER  
JOSE M. DIAZ, COMMISSIONER  
MANUEL DUASSO, COMMISSIONER  
ORLANDO LOPEZ, COMMISSIONER  
JOSE GUERRA, COMMISSIONER

YES  
YES  
YES  
YES  
YES  
YES  
ABSENT

**The City of Sweetwater**

**Attachment 1 to Resolution No.:** 3114

The following are boundaries for the Sub-Areas of the proposed annexation of the City of Sweetwater:

- Sub-Areas A:** Beginning at the City's Western boundary on the North side of West Flagler Street; thence North to N.W. 1<sup>st</sup> Terrace; thence East along the City's boundary line to N.W. 112<sup>th</sup> Avenue; thence North to N.W. 7<sup>th</sup> Street; thence West to N.W. 114<sup>th</sup> Avenue; thence South to N.W. 2<sup>nd</sup> Street; thence West to N.W. 116<sup>th</sup> Avenue; thence South to West Flagler Street; thence East on West Flagler Street to the point of the beginning.
- Sub-Area B:** Beginning at the City's Northeast corner of West Flagler Street and NW 107<sup>th</sup> Avenue, thence West to theoretical N.W. 108<sup>th</sup> Avenue; thence North to theoretical NW 2<sup>nd</sup> Street; thence East to NW 107<sup>th</sup> Avenue; thence South to the point of the beginning ( the Laguna Plaza Shopping Center).
- Sub-Area C:** Beginning at the intersection of NW 107<sup>th</sup> Avenue and NW 7<sup>th</sup> Street, North to SR 836; thence West to the Snapper Creek Canal; thence South to West Flagler Street; thence East to NW 116<sup>th</sup> Avenue; thence North to NW 2<sup>nd</sup> Street; thence East to NW 114<sup>th</sup> Avenue; thence North to NW 7<sup>th</sup> Street; thence East to the point of the beginning.
- Sub-Area D:** Beginning at theoretical corner of NW 108<sup>th</sup> Avenue and West Flagler Street; thence West to the City of Sweetwater Eastern boundary line North of West Flagler Street; thence North to SR 836; thence West to the Florida Turnpike Extension; thence North to NW 25<sup>th</sup> Street; thence East to NW 107<sup>th</sup> Avenue; thence South to theoretical NW 2<sup>nd</sup> Street; thence West to theoretical NW 108<sup>th</sup> Avenue; thence South to the point of the beginning

RESOLUTION NO. 3120

**A RESOLUTION OF THE MAYOR AND COMMISSION OF  
THE CITY OF SWEETWATER, FLORIDA, AMENDING  
RESOLUTION 3114 OF THE CITY OF SWEETWATER;  
PROVIDING FOR TRANSMITTAL AND EFFECTIVE DATE.**

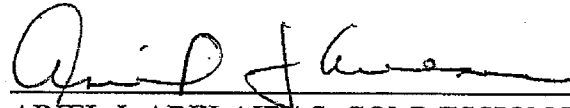
- WHEREAS,** Resolution No. 3114 adopted boundary descriptions for the City's annexation of unincorporated areas of Miami-Dade County; and,
- WHEREAS,** The City was notified by the Department of Incorporations and Annexations that the descriptions in Sub Areas C and D overlap; and,
- WHEREAS,** The City wishes to amend the scrivener's errors in Attachment I of Resolution 3114:

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND  
COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:**

- SECTION 1.** That Attachment 1 of Resolution No. 3114 be replaced by Attachment 1 of this resolution.
- SECTION 2.** That the City Clerk forward a copy of this resolution to Mr. Peter Velar at the Office of Incorporations and Annexations.
- SECTION 3.** That this resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of November, 2004.

  
MANUEL MAROÑO, MAYOR



ARIEL J. ABELAIRAS, COMMISSION PRESIDENT

ATTEST:

 (CARMEN J. GARCIA)  
MARIE O. SCHMIDT, CITY CLERK  
*Deputy*

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
RAMON IRIZARRI, CITY ATTORNEY

VOTE UPON ADOPTION:

ARIEL J. ABELAIRAS, COMMISSION PRESIDENT  
JOSE M. DIAZ, COMMISSION VICE PRESIDENT  
PRISCA BARRETO, COMMISSIONER  
JOSE BERGOUIGNAN, JR., COMMISSIONER  
MANUEL DUASSO, COMMISSIONER  
JOSE M. GUERRA, COMMISSIONER  
ORLANDO LOPEZ, COMMISSIONER

yes  
yes  
yes  
yes  
yes  
yes  
yes

The City of Sweetwater

Attachment I to Resolution No.:

3120

The following are boundaries for the Sub-Areas of the proposed annexation of the City of Sweetwater as amended:

**Sub-Area A:** Beginning at the City's Western boundary on the North side of West Flagler Street; thence North to N.W. 1<sup>st</sup> Terrace; thence East along the City's boundary line to N.W. 112<sup>th</sup> Avenue; thence North to N.W. 7<sup>th</sup> Street; thence West to N.W. 114<sup>th</sup> Avenue; thence South to N.W. 2<sup>nd</sup> Street; thence West to N.W. 116<sup>th</sup> Avenue; thence South to West Flagler Street; thence East on West Flagler Street to the point of the beginning.

**Sub-Area B:** Beginning at the City's Northwest corner of West Flagler Street and NW 107<sup>th</sup> Avenue, thence West to theoretical NW 108<sup>th</sup> Avenue; thence North to theoretical NW 2<sup>nd</sup> Street; thence East to NW 107<sup>th</sup> Avenue; thence South to the point of the beginning (the Laguna Plaza Shopping Center).

**Sub-Area C:** Beginning at the intersection of NW 107<sup>th</sup> Avenue and NW 7<sup>th</sup> Street, North to SR 836; thence West to the Snapper Creek Canal; thence South to West Flagler Street, thence East to NW 116<sup>th</sup> Avenue; thence North to NW 2<sup>nd</sup> Street; thence East to NW 114<sup>th</sup> Avenue; thence North to NW 7<sup>th</sup> Street; thence East to the point of the beginning.

**Sub-Area D:** Beginning at theoretical corner of NW 108<sup>th</sup> Avenue and West Flagler Street; thence West to the City of Sweetwater Eastern boundary line North of West Flagler Street; thence North to SR 836; thence West to the Florida Turnpike Extension; thence North to NW 25<sup>th</sup> Street; thence East to NW 107<sup>th</sup> Avenue; thence South to theoretical NW 2<sup>nd</sup> Street; thence West to theoretical NW 108<sup>th</sup> Avenue; thence South to the point of the beginning.

*Miami-Dade County*  
City of Sweetwater Proposed Annexation

